



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 12 2019

REPLY TO THE ATTENTION OF

ATTORNEY/CLIENT PRIVILEGE

MEMORANDUM

SUBJECT: Justification to Issue a Section 208 Information Request for Diesel Ops/Orion Diesel in Waterford, Michigan

FROM: Ethan Chatfield, Environmental Engineer
Air Enforcement and Compliance Assurance Section (IL/IN)

THRU: Nathan Frank, Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

TO: Andre Daugavietis, Associate Regional Counsel
Office of Regional Counsel

On July 13, 2018 and December 19, 2018, EPA issued Finding of Violations (FOVs) to Diesel Ops and Orion Diesel LLC each, respectively. In the FOVs, EPA alleged both companies sold or offered for sale thousands of illegal defeat devices for motor vehicles from their shops in Waterford, Michigan and online through their websites. In negotiations, the company has been arguing an inability to pay (atp), but after months of waiting for such requested atp documentation, EPA has yet to receive the necessary information.

The companies both contend (by email only) they are no longer selling defeat devices and hence the attached 208 Request is intended to provide verification while EPA prepares a referral to Department of Justice and continues to pursue the atp information. Both companies are owned and operated by Nicholas Piccolo from the same physical address and hence why we are proposing a single 208 information request.

I certify that I have created a hard copy file.